

2001 House Committee on Judiciary

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**HOUSE COMMITTEE ON JUDICIARY**  
**SUBCOMMITTEE ON CIVIL LAW**

March 19, 2001  
 8:00 a.m.

Hearing Room 357  
 Tapes 41 - 45

**MEMBERS PRESENT:** Rep. Cherryl Walker, Chair  
 Rep. Vic Backlund  
 Rep. Kathy Lowe  
 Rep. Charlie Ringo  
 Rep. Lane Shetterly  
 Rep. Max Williams

**STAFF PRESENT:** Andrea Shartel, Counsel  
 Ann Martin, Committee Assistant

**MEASURE/ISSUES HEARD:** HB 2771 Public Hearing  
 HB 2700 Public Hearing  
 HB 2460 Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 41, A 005	Chair Walker	Calls the meeting to order at 8:10 a.m. and opens a public hearing on HB 2771.
<b><u>HB 2771 PUBLIC HEARING</u></b>		
015	Andrea Shartel	Committee Counsel. Introduces HB 2771 that creates Protective Proceedings and Fiduciary Services Task Force.
035	Bertran Copp	Senior Advocate. States there is no advocate for senior citizens in this bill.
051	Bob Joondeph	Testifies on HB 2771 and submits testimony (EXHIBIT A). Oregon Advocacy Center Testifies in support of HB 2771 and submits testimony (EXHIBIT B).
061	Rep. Kathy Lowe	Asks Mr. Joondeph if he thinks that seniors should be added to this bill.
051	Joondeph	Replies that would be a good idea.
067	Chair Walker	Closes the public hearing on HB 2771 and opens a public hearing on HB 2700.
<b><u>HB 2700 PUBLIC HEARING</u></b>		
081	Rep. Tim Knopp	House District 54 Testifies in support of HB 2700, which prohibits a health care facility from retaliating against a health care provider because the provider takes certain actions relating to care, services or conditions at the care facility.
102	Sen. Rick Metsger	Senate District 14 Testifies in support of HB 2700. States this bill ensures proper nursing care and that nurses are advocates for patients.
132	Chair Walker	Notes the -3 amendments (EXHIBITS C and D).

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140 Rep. Knopp  
142 Chair Walker

Supports the -3 amendments.  
Closes the public hearing on HB 2700 and opens a public hearing on HB 2460.

**HB 2460 PUBLIC HEARING**

150 Rep. Kurt Schrader

**House District 23**

Testifies in support of HB 2460 that allows a defendant in a civil action to make a motion to strike if a plaintiff's claim arises out of certain conduct in furtherance of constitutional right to petition or right of free speech about public issues.

240 Sen. Ginny Burdick

**Senate District 6**

Testifies in support of HB 2460. Discusses the impact on individuals in certain law suits. Discusses importance of public participation in land use issues.

374 Dave Heynderickx

**Legislative Counsel**

Testifies in support of HB 2460 and notes that this bill is closely modeled on the California statute.

388 Rep. Ringo

Asks if California has the special motion to strike and asks if it is working well.

394 Heynderickx  
403 Rep. Shetterly

Answers yes and says that it seems to be working.

Comments that they are trying to balance the system with this bill.

464 Rep. Lowe

Asks Heynderickx if he knows how court history has developed around stopping the discovery process in California.

462 Heynderickx

Answers that California amended the law to address discovery.

TAPE 42, A

029 Chair Walker

Closes the public hearing on HB 2460 and re-opens the public hearing on HB 2700.

**HB 2700 PUBLIC HEARING**

055 Counsel Shartel

Introduces HB 2700 and discusses the proposed -3 amendments (EXHIBIT D).

060 Jack Roberts

**Commissioner, Bureau of Labor and Industries (BOLI)**

Testifies on HB 2700 as a neutral witness. Wants to clarify that BOLI enforcement pertains to employees' rights.

084 Rep. Shetterly

Says that we have some whistle blower protection laws in place already for health care workers and asks how this relates to existing protections.

090 Roberts

Answers that the protections that they deal with are safety, and wage and hour laws of workers. A worker who is fired because he complained about the level of care being given would not be protected under BOLI at the present time.

103 Chair Walker

Asks for clarification between employees and contract care providers.

106 Roberts

Replies under Section 4, subsection 2.

122 Rep. Lowe

Asks about line 14, does that include non-professional workers?

150 Roberts

Answers that he does not know if they are included but thinks they should be.

185 Susan King

**Oregon Nurses Association**

Testifies in support of HB 2700 and submits testimony (EXHIBIT E). Relates the importance of HB 2700 to protect nurses and to improve care of patients. Describes the conditions existing today in the health care industry. Explains how problems in health care are reported to facility managers and responses from administration.

395 Rep. Ringo

Asks how to evaluate what the care provider reports as unsafe conditions.

TAPE 41, B

003 King

Answers that nurses are obligated to identify problems within the system and work towards a solution.